

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gillis et al.
Serial No. : 10/690,724
Filed : October 22, 2003
Title : METHODS OF TREATING CONDITIONS USING METAL-CONTAINING MATERIALS

Art Unit : 1616
Examiner : John D. Pak
Conf. No. : 7679

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JULY 30, 2007

In reply to the Office Action of July 30, 2007, Applicant submits the following remarks.

The Examiner rejected claims 1, 43-45, and 48-49 on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-7 and 12-28 of U.S. Patent No. 7,087,249. Applicants submitted a terminal disclaimer for U.S. Patent No. 7,087,249 on July 19, 2007 as part of a Supplemental Reply to an Office Action of March 20, 2007 to obviate this rejection. However, Applicants believe the terminal disclaimer was not received prior to issuance of the Office Action of July 30, 2007. Applicants believe that the rejection should be withdrawn in view of the terminal disclaimer.

Applicants believe the claims are in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 10/25/07


Sean P. Delany

Sean P. Daley
Reg. No. 40,978

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906